No. 12,354

IN THE

United States Court of Appeals

For the Ninth Circuit

UNITED STATES OF AMERICA,
Appellant,

vs.

SAMUEL HARRISON, now known as James Thomas Payne,
Appellee.

BRIEF FOR APPELLANT.

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PERNAU-WALSH PRINTING CO., SAN FRANCISCO

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JURISDICTION.

The petition of appellee for admission to citizenship under Section 701 of the Nationality Act of 1940 (8 U.S.C. 1001) was filed in the United States District Court on December 26, 1946 (R. 6).

The jurisdiction to naturalize aliens as citizens of the United States is conferred upon the District Courts of the United States by Section 301(a) of the Nationality Act of 1940 (8 U.S.C. 701(a)).

The decision of the District Court granting the petition and ordering the appellee admitted to citizenship and changing appellee's name to James Thomas Payne was entered on April 11, 1949 (R. 16). Appellee

took the oath of allegiance to the United States, thereby becoming a citizen of the United States on April 18, 1949 (R. 6, 7). Notice of appeal was filed on June 17, 1949 (R. 17); order extending time to docket until September 15, 1949 was filed on July 26, 1949 (R. 18); and transcript of record was filed in this Honorable Court on September 13, 1949.

Jurisdiction is conferred upon this Honorable Court to review the final judgments of the District Courts of the United States by Section 128 of the Judicial Code, as amended (28 U.S.C. 1291), wherein it is provided that:

> "The Court of Appeals shall have jurisdiction of appeals from all final decisions of the District Court of the United States * * * except where direct review may be had in the Supreme Court."

The order of the District Court in granting the petition and admitting appellee to citizenship is a final decision within the meaning of the above law.[1]

STATEMENT OF THE CASE.

Appellee filed his petition to become a citizen of the United States as an honorably discharged veteran of World War II under Section 701 of the Nationality Act of 1940 (8 U.S.C. 1001) before the Clerk of the United States District Court for the Northern District of California, Southern Division, on December 26, 1946 (R. 6). On April 11, 1949, there was filed in the

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[1] *Tatun v. U.S.*, 270 U.S. 568, 46 S.Ct. 425, 70 L.Ed. 738; *U.S. v. Rodiek*, 162 F. 469 (9 Cir.).

District Court of the United States for the Northern District of California, Southern Division, a list of petitions recommended to be denied, including as one of the items therein, the name of the appellee (R. 8), the reason for the recommendation of denial being "failure to establish good moral character during the period required by law". There was also filed with the Court below findings and recommendations of designated examiner, Immigration and Naturalization Service, in support of the recommendation for denial aforesaid (R. 9-15).

The petition of appellee was heard in open court on April 11, 1949, at which time the findings and recommendation of the designated examiner were considered, testimony taken and exhibits filed (R. 24-50). The District Judge signed an order admitting appellee to citizenship on April 11, 1949 (R. 16). Thereafter, on April 18, 1949, petitioner took his oath of allegiance and was admitted to citizenship (R. 6-7). Notice of appeal was thereafter filed with the Court on June 17, 1949 (R. 17).

SUMMARY OF THE FACTS.

The petitioner for citizenship in the Court below (appellee here) was born in Belfast, Ireland, on November 14, 1910. His name at birth was Samuel Harrison (R. 25). He was married in Ireland on February 2, 1935 (R. 2). His wife, Margaret, and two children, a girl, thirteen, and a boy, eleven, reside in Ireland (R. 2-3). Without the dissolution of this marriage he

went through a form of marriage ceremony with one Naomi Clark, a citizen of the United States, on October 8, 1945, at Alexandria, Louisiana (R. 27, 29, 35, 44). Appellee entered the United States on July 3, 1940 as a deserting seaman and started using the name of James Thomas Payne (R. 25). In August 1940 he obtained employment as a machine operator at the Ceco Steel Products Corporation, where he has been employed continuously since 1941 with the exception of the time spent in military service (R. 9, 37). He registered under the Selective Training and Service Act of 1940 and at that time stated his place of birth was New York, New York (R. 26). He entered the United States Army on June 26, 1942 at San Francisco, California and served therein until November 24, 1945 when he was honorably discharged (R. 3, 10, 34). He served overseas from October 12, 1942 to December 5, 1943 (R. 10, 34). It was while he was serving in the army that he entered into his last marriage. After his discharge from the army he resumed his employment at the Ceco Steel Products Corporation (R. 37). The petitioner lived with Naomi Clark in San Francisco, California. She left San Francisco on October 2, 1946 (R. 10), and subsequently secured an annulment (R. 35).

The appellee was interviewed by an officer of the United States Immigration and Naturalization Service on July 29, 1946, and revealed his true history *with the exception of his marriage in Ireland* (R. 10). On this date he maintained that his only marriage was to Naomi Clark. On September 17, 1946, before an

Immigrant Inspector of the United States Immigration and Naturalization Service he *subscribed and swore* to a general information form submitted in connection with an application for suspension of deportation made by him pursuant to the provisions of Section 19(c) of the Immigration Act of 1917, as amended (8 U.S.C. 155c) (R. 42-49). In this form he stated that he was married to Naomi Clark on October 8, 1945, that *he had not been previously married,* and that *he had no children* (R. 44). Before executing the form, the appellee had been warned by the attesting officer of the penalties for making a false statement therein (R. 48-49).

On October 14, 1946, the appellee made another sworn statement before an Immigrant Inspector of the United States Immigration and Naturalization Service. He then admitted the fact of his first marriage (R. 11, 36-37). He said that at the time of his second marriage he had not received any word from Ireland that his first marriage had been terminated, but that he had heard through a seaman, who had been in Belfast, that his wife had remarried (R. 11). He stated that he had signed a waiver by which he had permitted Naomi Clark to petition for an annulment of the marriage, and had acknowledged that he had not been capable on October 8, 1945, of entering into a valid marriage with Naomi Clark (R. 12, 31, 41). He further testified that he had claimed birth in New York in his Selective Service registration form so that he would not be deported (R. 11, 26).

On December 26, 1946, the appellee filed his petition for naturalization under the provisions of Section 701 of the Nationality Act of 1940. He alleged therein that his wife's name was Margaret, that she was residing in Ireland, that he had two children, Margaret, born October 27, 1935, and James, born September 23, 1937 who were also residing in Ireland (R. 2).

On May 1, 1947, the appellee made another sworn statement before an officer of the United States Immigration and Naturalization Service. He then testified that his marriage to Naomi Clark had been annulled (R. 11). Concerning the false statements that he had made in the form executed by him on September 17, 1946, he stated he had made them because he did not think he would ever be discovered, that he had, however, no intention of deceiving the government but that he did not want to hurt Naomi Clark by having her find out the truth. He further testified that, after he came to the United Sates, he did not communicate with his family in Ireland and he did not send anything to them for their support (R. 11-12). He presented two letters from which it appeared that his wife had consulted attorneys in Ireland with a view to filing a petition for divorce. He said that he had signed papers indicating that he was willing to relinquish his interest in real estate in Ireland on which there was a mortgage. He indicated that, during his absence from Ireland, his wife had lived with her mother and had received whatever income was derived from rental of the property (R. 13, 33, 39, 40).

SPECIFICATIONS OF ERROR.

(1) The District Court erred in holding and deciding that appellee had been a person of good moral character as is required by Section 342A of the Nationality Act of 1940, as amended June 1, 1948 (8 U.S.C. 724a) and Section 307(a) of said Act (8 U.S.C. 707).

(2) The District Court erred in holding and deciding that appellee was entitled to admission to United States citizenship.

(3) The District Court erred in failing to hold and decide that appellee had failed to establish that he was a person of good moral character as required by Section 324A of the Nationality Act of 1940, as amended June 1, 1948 (8 U.S.C. 724a) and Section 307(a) of said Act (8 U.S.C. 707).

(4) The District Court erred in admitting appellee to citizenship.

ARGUMENT.

Although the subject's petition for naturalization was filed under the provisions of Section 701 of the Nationality Act (8 U.S.C. 1001), his eligibility for naturalization must be determined in accordance with the provisions of Section 324A of the Nationality Act of 1940 (8 U.S.C. 724a), as provided in Section 2 of the Act of June 1, 1948 (Public Law 567, 80th Congress; Ch. 360, 2nd Sess.) Appendix, page vi (cited in legislative history footnote to 8 U.S.C.A. 1001).

Section 324A, supra (8 U.S.C. 724a) provides, under certain conditions, for the naturalization of persons with honorable service in the armed forces of the United States during either World War I or during a period beginning September 1, 1939, and ending on December 31, 1946. The benefits of this section extend to a person who was in the United States at the time of enlistment or induction. The case of the appellee, who was in San Francisco, California, at the time of his induction, and who served honorably in the United States Armed Forces within the specified period, therefore comes within the purview of this section. Section 324A (8 U.S.C. 724a) requires compliance in all respects with the conditions of the Nationality Act of 1940 with exceptions therein specifically set forth. There being no exception in respect to the establishment of good moral character, and subsection (4) specifically referring to a requirement that the petitioner "be a person of good moral character", the requirement of Section 307 of the Nationality Act of 1940 (8 U.S.C. 707) supra, as to the establishment of good moral character applies to petitions being heard under Section 324A (8 U.S.C. 724a).

In the instant case, the factors which must be considered as having a bearing upon the appellee's character are the nature of his relationship with Naomi Clark (R. 10, 11, 12, 27, 28, 30, 31, 35), the false statements made by him in the Immigration form executed on September 17, 1946 (R. 10, 28, 29, 35, 36, 37) and his failure to support his wife and minor children in Ireland (R. 12, 31, 33, 39).

EFFECT OF BIGAMOUS MARRIAGE AS TO CLAIM OF GOOD MORAL CHARACTER.

From the appellee's testimony it appears that he knowingly entered into a bigamous marriage (R. 11, 31, 38-40). This bigamous relationship was maintained until shortly prior to October 1, 1946, when Naomi Clark left San Francisco (R. 13). The Courts have taken the view that a petitioner is guilty of misconduct that bars his naturalization if he knowingly entered into a void and bigamous marriage and continued to live in that relationship.

United States v. Marafioti, 43 F. Supp. 45, was an action to revoke naturalization. In that case the Court said:

> "The facts have been stipulated. The defendant's petition for citizenship was filed on February 14, 1928 and on May 25, 1928 a certificate of citizenship was issued to him based upon said petition. In his petition the defendant alleged under oath that he was married to one Johanna Cordelia, then residing in Italy. At a preliminary examination conducted by a representative of the Immigration and Naturalization Service on the date of said petition the defendant stated under oath that he was married to the aforesaid Johanna Cordelia in Italy, in 1908, and that on the date of the examination she was residing in Italy. Sometime between the date of the petition and the date of the issuance of the certificate the defendant, while still the lawful husband of the aforesaid Johanna Cordelia, went through a marriage ceremony with another woman at Bayonne, New Jersey, and

thereafter defendant lived with that woman as husband and wife and still continues so to live with her.

"At the final hearing on his petition the defendant did not make known to the court the change in his marital status. No discussion at all as to his marital status was had at such final hearing.

"Defendant, prior to going through the marriage ceremony at Bayonne, New Jersey, had heard from acquaintances that his wife, Johanna Cordelia, in his absence, had married another man in Italy and was living with him as husband and wife, and the defendant believed such reports and thereupon considered himself free to marry.

* * * * * * *

"Indisputably at the time the application for naturalization was granted defendant was living in an adulterous relationship. The second marriage was contracted without even a colorable dissolution of the first.

* * * * * * *

"It is sufficient to sustain the complaint for the Government to prove that the certificate of naturalization was illegally procured. That, the Government has accomplished by proving that had all the facts been disclosed, one jurisdictional element, to-wit, proof of good moral character, would have been lacking."

See also

In re Schlau, C.C.A. 2 Cir., June 10, 1943, 136 F. (2d) 480;

United States v. Jakini, 69 Fed. Supp. 707.

In another denaturalization case, the Court again commented on bigamous marriages in *United States v. Zgrebec,* 38 Fed. Supp. 127, as follows:

> "(4) Defendant claims that when he told the examiner he had 'no wife' he thought she had secured a divorce in the old country. Of course this can be the only statement defendant could make under the circumstances. But it is well to note that when he filed his application for citizenship in 1922 it was after he had been married to the second wife and that he then takes the precaution to erase the first wife's name. Doubtless there was some strong suspicion in his own mind that if the first wife's name was left on the declaration of intention it might start inquiries by the Federal authorities as to just what had happened to his first wife. It might also reveal that he had been recently married to Katharine Kozkar. And no one knew better than defendant that he was then living with this woman as her husband. As was said in the case of *The Kalfarli,* 2 Cir., 277 F. 391, at page 400: 'If a party conceals a fact that is material to a transaction, knowing that the other party is acting on the assumption that no such fact exists, the concealment may be as much a fraud as if the existence of the fact were expressly denied, or the reverse of it expressly stated.' See also *United States v. DeFrancis,* 60 App. D.C. 207, 50 F. 2d 497."

See also

United States v. Intrieri, 56 Fed. Supp. 375.

In *In re Speigel,* D.C. N.Y. 1948, 24 F. (2d) 605, the Court held that the second marriage of the peti-

tioner in that case, after a divorce granted by a rabbi recognized in Poland where the petitioner's first wife was living, being a bigamous marriage, the petitioner could not become a citizen.

In the matter of the *Petition of Horowitz,* D.C. N.Y. 1931, 48 F. (2d) 652, the Court held that an alien who contracted a bigamous marriage within five years preceding his petition for citizenship was not a "person of good moral character during such period, and precluded his admission to citizenship".

In the matter of the *Petition of Axelrod,* D.C. N.Y. 1938, 25 Fed. Supp. 415, the Court denied a petition for naturalization on the ground that the petitioner was unable to establish the required good moral character where petitioner was married to a divorced man whose first wife, who was still living, had obtained a divorce in New York on the ground of adultery, and petitioner's husband had made no application for modification of the divorce decree, since petitioner's marriage was invalid under New York law.

In *United States v. Zaltzman,* D.C. N.Y. 1937, 19 Fed. Supp. 305, a Jewish or rabbinical divorce was a nullity under the divorce laws of Ohio or New York as regards a question whether the party obtaining such divorce and thereafter remarrying, was a man of good moral character, so as to be entitled to citizenship.

See also

Petition of Boric, 56 Fed. Supp. 133;
United States v. Forrest, 69 Fed. Supp. 389.

In *United States v. Kichin,* D.C. Mo. 1921, 276 F. 818, it was held that one who made a second and bigamous marriage in 1904, which continued when he was admitted to citizenship in 1912, had not been a moral and law abiding citizen for five years before such naturalization, but was guilty of such fraud in concealing a fact which would have prevented his naturalization as to constitute ground for its cancellation.

In the matter of *Petition of F.*, D.C. N.Y. 1947, 73 Fed. Supp. 655, it was held that a petition for naturalization was denied upon petitioner's admission of an act of adultery during the period within which he was required to establish that he had been a person of good moral character.

EFFECT OF PERJURY AS TO CLAIM OF GOOD MORAL CHARACTER.

The "General Information Form" (U.S. Exhibit A, R. 42) was subscribed and sworn to by the appellee before an Immigrant Inspector on September 17, 1946. Appellee was then attempting to bring his case within the provisions of Section 19(c) of the Immigration Act of February 5, 1917 (8 U.S.C. 155) supra, to gain suspension of deportation because of his marriage to Naomi G. Payne at Alexandria, Louisiana, on October 8, 1945. His allegation of a valid marriage to a United States citizen wife was an essential jurisdictional fact in that proceeding. He was adequately warned as to the penalty for giving a false answer to any of the questions (R. 48-49). The conclusion is

inescapable that the appellee committed perjury on the occasion referred to. This was less than three months before he filed his petition for naturalization. It further appears that appellee made the perjurious statements in the Immigration form because he believed he would not be discovered (R. 14). He attempts to excuse the incident by saying he was trying to help the girl he was married to at that particular time by not telling her of his prior marriage (R. 30).

In the case of *United States v. Norris,* 300 U.S. 564, 81 L. Ed. 808, 57 S. Ct. 535, the United States Supreme Court stated:

> "The plain words of the statute (perjury statute —Criminal Code, Section 125) and public policy which called for its enactment alike demand we should hold that the telling of a deliberate lie by a witness completes the crime defined by law."

In *In re Spencer,* C.C. Ore. 1878, 5 Sawy. 195, 22 Fed. Case 13,234, the Court held that one who committed perjury had so far behaved as a man of bad moral character as to disqualify him for citizenship.

See also

In re Trum, 199 F. 362;
In re Kornstein, 268 F. 173;
Ex parte Chin Chan On, 32 F. (2d) 829;
In re McNeil, 14 Fed. Supp. 395.

In *In re Talarico,* D.C. Pa. 1912, 197 F. 1019, it was held that an applicant who gave false answers under oath to questions asked him by the Chief Naturaliza-

tion Examiner of the Department of Commerce and Labor could not be found to have behaved as a man of good moral character.

In *United States v. Mancini,* D.C. Pa. 1939, 29 Fed. Supp. 44, the Court held that the retraction on October 14, 1946, of perjured statements made on September 17, 1946, would not condone the original perjury.

EFFECT OF FAILURE TO PROVIDE FOR SUPPORT OF MINOR CHILDREN AS TO CLAIM OF GOOD MORAL CHARACTER.

The petitioner, after coming to the United States in 1940, did not contribute to the support of his family in Ireland. He was under a legal and moral obligation to do so. He had employment in the United States and was able to provide for their support (R. 38). It has been held that a petitioner for naturalization who failed to support his minor children was not a person of good moral character.

In re Nosen, 49 F. (2d) 817.

CONCLUSION.

The order naturalizing the appellee was erroneously granted. Since appellee failed to establish that he was a person of good moral character, as required by the Naturalization laws, he was not eligible for citizenship.

It is respectfully submitted, therefore, that the judgment and order of the District Court, admitting him to citizenship, should be reversed.

Dated, San Francisco, California,
November 25, 1949.

Respectfully submitted,

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(Appendix Follows.)

Appendix.

Appendix

APPLICABLE STATUTES.

The general requirements for naturalization, particularly pertinent here as to good moral character are contained in Section 307 of the Nationality Act of 1940 (8 USC 707), which reads in part as follows:

> 8 USC 707—"(a) No person, except as hereinafter provided in this Act, shall be naturalized unless such petitioner, (1) immediately preceding the date of filing petition for naturalization has resided continuously within the United States for at least five years and within the State in which the petitioner resided at the time of filing the petition for at least six months, (2) has resided continuously within the United States from the date of the petition up to the time of admission to citizenship, and (3) *during all the periods referred to in this subsection has been and still is a person of good moral character,* attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States." * * * (Italics supplied.)

At the time of the filing of the petition (December 26, 1946), naturalization was sought under the special conditions provided in Section 701 of the Nationality Act of 1940 (8 USC 1001), which reads as follows:

> 8 USC 1001—"Nowithstanding the provisions of sections 303 and 326 of this Act, any person not a citizen, regardless of age, who has served or hereafter serves honorably in the military or naval forces of the United States during the present

war and who shall have been at the time of his enlistment or induction a resident thereof and who (a) was lawfully admitted into the United States, including its Territories and possessions, or (b) having entered the United States, including its Territories and possessions, prior to September 1, 1943, being unable to establish lawful admission into the United States serves honorably in such forces beyond the continental limits of the United States or has so served, may be naturalized *upon compliance with all the requirements of the naturalization laws* except that (1) no declaration of intention, no certificate of arrival for those described in group (b) hereof, and no period of residence within the United States or any State shall be required; (2) the petition for naturalization may be filed in any court having naturalization jurisdiction regardless of the residence of the petitioner; (3) the petitioner shall not be required to speak the English language, sign his petition in his own handwriting, or meet any educational test; and (4) no fee shall be charged or collected for making, filing, or docketing the petition for naturalization, or for the final hearing thereon, or for the certification of naturalization, if issued: Provided, however, That (1) there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each such witness personally knows the petitioner *to be a person of good moral character,* attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, (2) the service of the petitioner in the military or naval forces of the United States shall

be proved by affidavits, forming part of the petition, of at least two citizens of the United States, members or former members during the present war of the military or naval forces of the noncommissioned or warrant officer grade or higher (who may be the witnesses described in clause (1) of this proviso), or by a duly authenticated copy of the record of the executive department having custody of the record of petitioner's service, showing that the petitioner is or was during the present war a member serving honorably in such armed forces, and (3) *the petition shall be filed not later than December 31, 1946.* Petitioner may be naturalized immediately if prior to the filing of the petition the petitioner and the witnesses required by the foregoing proviso shall have appeared before and been examined by a representative of the Immigration and Naturalization Service." (Italics supplied.)

It will be noted that this Section of the Nationality Act required that a petition shall be filed not later than December 31, 1946. Subsequent to the expiration of the above-cited law, and on June 1, 1948 (Public Law 567, 80th Congress; Ch. 360, 2nd Sess.), the Nationality Act of 1940 was amended by the inclusion therein of Section 324 A (8 USC 724a) reading as follows:

8 USC 724a—"Sec. 324 A, (a) Any person not a citizen who has served honorably in an active-duty status in the military or naval forces of the United States during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, or who, if separated from such service, was separated under honorable

conditions, may be naturalized as provided in this section if (1) at the time of enlistment or induction such person shall have been in the United States or an outlying possession (including the Panama Canal Zone, but excluding the Philippine Islands), or (2) at any time subsequent to enlistment or induction such person shall have been lawfully admitted to the United States for permanent residence. The executive department under which such person served shall determine whether persons have served honorably in an active-duty status, and whether separation from such service was under honorable conditions: Provided, however, That no person who is or has been separated from such service on account of alienage, or who was a conscientious objector who performed no military or naval duty whatever or refused to wear the uniform, shall be regarded as having served honorably or having been separated under honorable conditions for the purpose of this section.

"(b) A person filing a petition under subsection (a) of this section shall comply *in all respects with the requirements of this chapter except that—*

(1) he may be naturalized regardless of age, and notwithstanding the provisions of sections 303 and 326 of this Act;

(2) no declaration of intention, no certificate of arrival, and no period of residence within the United States or any State shall be required;

(3) the petition for naturalization may be filed in any court having naturalization jurisdiction regardless of the residence of the petitioner;

(4) there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each such witness personally knows the petitioner to be a *person of good moral character,* attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States;

(5) when serving in the military or naval forces of the United States, the service of the petitioner shall be proved either

(1) by affidavits forming part of the petition, of at least two citizens of the United States, members of the military or naval forces of a noncommissioned or warrant officer grade, or higher (who may be the same witness described in clause (4) of this subsection), or (2) by a duly authenticated certification from the executive department under which the petitioner is serving. Such affidavits or certifications shall state whether the petitioner has served honorably in an active-duty status during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946;

(6) if no longer serving in the military or naval forces of the United States, the service of the petitioner shall be proved by a duly authenticated certification from the executive department under which the petitioner served, which shall state whether the petitioner served honorably in an active-duty status during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, and was

separated from such service under honorable conditions; and

(7) notwithstanding section 324 (e) of this Act the petitioner may be naturalized immediately if prior to the filing of the petition the petitioner and the required witnesses shall have appeared before and been examined by a representative of the Service. (Italics supplied.)

"(c) Citizenship granted pursuant to this section may be revoked in accordance with section 338 of this Act if at any time subsequent to naturalization the person is separated from the military or naval forces under other than honorable conditions, and such ground for revocation shall be in addition to any other provided by law. The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation."

Section 2 of Public Law 567 (supra) reads as follows:

"Sec. 2. The eligibility for naturalization of any person who filed a petition for naturalization prior to January 1, 1947, under section 701 of the Nationality Act of 1940, as amended (8 U.S.C., Supp. V. sec. 1001), and which is still pending on the date of approval of this Act, shall be determined in accordance with section 324A of the Nationality Act of 1940, as added by section 1 of this Act." (See legislative history footnote 8 USCA 1001.)

8 USC 1001 and 8 USC 724a (supra) each refer to Sections 303 and 326 of this Act (8 USC 703 and 726). Section 303 (8 USC 703) refers to racial restrictions upon naturalization and Section 326 (8 USC 726) refers to conditions under which alien enemies may be naturalized. As neither of these sections is involved in the issues here before the Court, they are not being cited in full in this appendix.

Section 19(c), Immigration Act of February 5, 1917, 8 U.S.C. 155(c) reads in part as follows:

> 8 USC 155(c)—"In the case of any alien * * * who is deportable under any law of the United States and who has proved good moral character for the preceding five years, the Attorney General may * * * (2) suspend deportation of such alien * * * if he finds (a) that such deportation would result in serious economic detriment to a citizen * * * who is the spouse * * * of such deportable alien * * *".